

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

---

SANTIAGO GOMEZ,

Plaintiff,

Civil Action No.  
9:14-CV-0201 (DNH/DEP)

v.

HAROLD D. GRAHAM, *et al.*,

Defendants.

---

APPEARANCES:

FOR PLAINTIFF:

SANTIAGO GOMEZ, *Pro Se*  
13-A-2110  
Franklin Correctional Facility  
P.O. Box 10  
Malone, NY 12953

FOR DEFENDANTS:

HON. ERIC T. SCHNEIDERMAN  
New York State Attorney General  
615 Erie Blvd. West, Suite 102  
Syracuse, NY 13204

KEVIN HAYDEN, ESQ.  
Assistant Attorney General

DAVID E. PEEBLES  
U.S. MAGISTRATE JUDGE

## DECISION AND ORDER

Currently pending before the court in connection with this matter is a motion brought *pro se* plaintiff Santiago Gomez to compel discovery. Dkt. No. 65. In his motion, plaintiff seeks an order compelling defendants to respond to demands included within his second, third, and fourth requests for the production of documents ("RFP").

Oral argument was conducted in connection with plaintiff's motion during a telephone conference, held on the record on October 13, 2015. During the course of that conference various rulings were made regarding plaintiff's demands. Based upon the written and oral presentations of the parties, and the court's bench decision, which is incorporated herein by reference, it is hereby

ORDERED as follows:

(1) With respect to RFP No. 2 ¶ 13, defendants are directed to produce all sick call slips submitted by the plaintiff between June 3, 2013 and October 16, 2014, inclusive, to the extent that they still exist within the possession, custody or control of the defendants.

(2) With respect to RFP No. 2 ¶¶ 20 and 21, defendants are directed to produce to the court, for *in camera* inspection, all documents related to substantiated claims of excessive force or mistreatment of

inmates that resulted in disciplinary action committed by any of the defendants in this action.

(3) With regard to RFP No. 2 ¶ 23, defendants' counsel is directed to produce to the court, for *in camera* inspection, a statement regarding any felony or misdemeanor convictions for any of the defendants, together with pertinent information concerning any such conviction.

(4) With regard to RFP No. 2 ¶ 26, as discussed, defendant is directed to produce any written policies or procedures related to the delivery of beverages for lunch and dinner to inmates, including those in keeplock, confined in C- Block and A-Block at the Auburn Correctional Facility.

(5) With regard to RFP No. 2 ¶ 38, defendants are directed to produce any written policy document related to approved style of corn-row braids and, to the extent that any exist, photographs illustrating such approved style of corn-row braids.

(6) With regard to RFP No. 2 ¶ 41, defendants are directed to preserve, to the extent that they currently exist, cassette recordings of any disciplinary hearings of the plaintiff conducted at the Auburn Correctional Facility and the Adirondack Correctional Facility.

(7) With respect to RFP No. 2 ¶ 42, defendants are directed to produce any written procedures or procedures existing at the Auburn Correctional Facility for issuing toilet tissue to inmates.

(8) With regard to RFP No. 3 ¶ 8, defendants are directed to produce the requested log book pages for the full days of May 3 and May 4, 2014.

(9) With regard to RFP No. 4 ¶ 9, defendants are directed to produce the requested log book for the full day of May 3, 2014.

(10) With respect to any of the foregoing requests that were granted, defendants shall produce the requested documents or information within twenty-one days from the date of this order.

(11) Except as to the extent indicated above, plaintiff's motion to compel discovery is DENIED.

(12) No costs or attorney's fees are awarded to any party in connection with plaintiff's motion.

(13) The parties are hereby advised that an appeal of this order may be taken to District Judge David N. Hurd. Any such appeal must be filed within fourteen days from the date of service of this order.

A handwritten signature in black ink, appearing to read "David E. Peebles", written over a horizontal line.

David E. Peebles  
U.S. Magistrate Judge

Dated:       October 16, 2015  
              Syracuse, NY